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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STEVEN MANDELAS,

11 Plaintiff,

12 v.

13 DANIEL N. GORDON, P.C., et al.,

14 Defendants.

CASE NO. C10-0594JLR

ORDER RE: WCAA AND WCPA
CLAIMS

15 In an order dated March 31, 2011 (Summ. J. Ord. (Dkt. # 85)), the court granted
16 Defendant Daniel N. Gordon, P.C.'s ("Gordon") motion for summary judgment on
17 Plaintiff Steven Mandelas's claims under the Fair Debt Collection Practices Act
18 ("FDCPA"), 15 U.S.C. § 1692 *et seq.* Viewing the evidence in the light most favorable
19 to Mr. Mandelas, the court concluded that there was no dispute as to any material fact and
20 that Gordon was entitled to judgment as a matter of law on Mr. Mandelas's claims that
21 Gordon's alleged purposeful delay in collecting the debt and alleged failure to properly
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1 serve a writ of garnishment filed in state court were unfair or unconscionable means of
2 collecting a debt in violation of 15 U.S.C. § 1692f. (Summ. J. Ord. at 10-13.)

3 Gordon also moved for summary judgment on Mr. Mandelas's claims for
4 violations of the Washington Collection Agency Act ("WCAA"), ch. 19.16 RCW, and
5 the Washington Consumer Protection Act ("WCPA"), ch. 19.86 RCW. (*See* Dkt. # 47.)
6 Gordon sought summary judgment on these claims based solely only on the ground that it
7 is not subject to regulation under the WCAA. (*See id.*) The court denied Gordon's
8 motion, holding that there was a genuine issue of material fact regarding whether it is
9 subject to the WCAA. (Summ. J. Ord. at 18-20.) The court observed, however, that Mr.
10 Mandelas's WCAA and WCPA claims based on allegations of purposeful delay and
11 improper service of the writ of garnishment did not appear to be viable in light of the
12 court's holdings regarding Mr. Mandelas's FDCPA claims arising out of the same alleged
13 conduct. (*Id.* at 20 n. 8.) Accordingly, pursuant to Federal Rule of Civil Procedure
14 56(f)(2), the court ordered Mr. Mandelas to show cause why it should not grant summary
15 judgment to Gordon on Mr. Mandelas's WCAA and WCPA claims based on purposeful
16 delay and service of the writ of garnishment. (Dkt. # 86.)

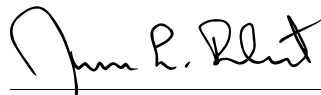
17 On April 8, 2011, Mr. Mandelas filed a timely response to the court's show cause
18 order. (Dkt. # 94.) Mr. Mandelas reaffirmed that he wishes to continue to pursue his
19 claims against Gordon based on its alleged engagement in collection activities without a
20 collection agency license in violation of the WCAA and WCPA. (*Id.* at 1-3.) Mr.
21 Mandelas stated, however, that:
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1 To the extent that Plaintiff's first amended complaint seeks relief under the
2 WCAA and the WCPA "based on purposeful delay and service of the writ
3 of garnishment" – as claims separate and distinct from those premised on
and/or relating to RCW 19.16.110, RCW 19.16.260, RCW 19.16.440, and
Chapter 19.86 RCW – Plaintiff does not intend to pursue the same.

4 (*Id.* at 3 ¶ 9.) The parties' pretrial order also reflects that Mr. Mandelas will not pursue
5 WCAA and WCPA claims based on purposeful delay and service of the writ of
6 garnishment. (Dkt. # 98.)

7 Accordingly, in light of the court's findings in its summary judgment order and
8 Mr. Mandelas's response to the show cause order, the court GRANTS summary
9 judgment to Gordon on Mr. Mandelas's WCAA and WCPA claims based on allegations
10 of purposeful delay and improper service of the writ of garnishment. Mr. Mandelas's
11 WCAA and WCPA claims based on Gordon's alleged engagement in collection activities
12 without a collection agency license remain for trial.

13 Dated this 18th day of April, 2011.

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16 JAMES L. ROBART
17 United States District Judge
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